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09/349194

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Atty. Dkt. No. 071949-2104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BUECHLER et al.

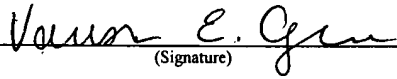
Title: NOVEL METHODS FOR THE
ASSAY OF TROPONIN I AND T
AND COMPLEXES OF
TROPONIN I AND T AND
SELECTION OF ANTIBODIES
FOR USE IN IMMUNOASSAYS

Patent. No.: 6,939,678 B1

Issue Date: 9/6/2005

Examiner: Gabel

Art Unit: 1641

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 727838830 US	September 15, 2005
(Express Mail Label Number)	(Date of Deposit)
Vanessa E. Agha	
(Printed Name)	
	
(Signature)	

Certificate
SEP 22 2005
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION FOR APPLICANT'S MISTAKE
PURSUANT TO 37 C.F.R. § 1.323

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed, in duplicate, is a Certificate of Correction, Form PTO-SB/44, for United States Patent Number 6,939,678 B1 issued September 6, 2005.

IN THE CLAIMS

Claim 33, which originally derives from prosecution claim 129, was introduced into the record by the Applicant in a response filed May 7, 2002. The requested amendment of claim 33 is shown for the issued claim using strikeout for a deletion and underlining for an addition.

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023.275267.1

language preceding the amended letter "which specifically binds to cardiac specific troponin" which is a clear reference to the antibody used in an assay for determining the presence or amount of free and complexed cardiac specific troponin T, which antibody is identified throughout the claim as binding to cardiac specific troponin T, rather than cardiac specific troponin I ("an antibody cocktail which specifically binds to free cardiac specific troponin T"). Moreover, the section in which the error appears indicates that the cardiac specific isoform in question is "in a ternary complex comprising troponin I and troponin C," further confirming that the reference in question is to troponin T and not troponin I. Thus, Applicant respectfully submits that the requested amendment does not constitute new matter nor require correction through reexamination.

Pursuant to 37 C.F.R. §1.323, Applicant requests that the enclosed Certificate of Correction be approved.

The Commissioner is hereby authorized to charge the required fee of \$100.00, as well as any additional fees which may be required for this Request, to Deposit Account No. 50-0872.

Respectfully submitted,

Date September 15, 2005

By Barry Wil

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Barry S. Wilson, Reg. No. 39,431
For Richard Warburg, Reg. No. 32327
Attorney for Applicant

SEP 22 2005

33. An assay for determining the presence or amount of free and complexed cardiac specific troponin T in a patient sample, said assay comprising:

performing an immunoassay with an antibody which specifically binds to free cardiac specific troponin T, and which specifically binds to cardiac specific troponin T in a complex comprising at least one other troponin component selected from the group consisting of troponin I and troponin C, and which specifically binds to ~~cardiac specific troponin I~~ cardiac specific troponin T in a ternary complex comprising troponin I and troponin C; and

detecting a signal from said immunoassay resulting from said antibody binding said free and complexed cardiac specific troponin T, wherein said signal is related to the presence or amount of said free and complexed cardiac specific troponin T in said sample.

The amendment of claim 33 changes the letter "I" to "T" in the indicated text, which refers to a cardiac specific isoform of troponin. The attached Certificate of Correction clearly identifies the requested amendment as involving Claim 33, Column 51, Line 44 (based on actual line count), and indicates to replace "cardiac specific troponin I" with -- cardiac specific troponin T--.

In accordance with 35 U.S.C. §255, the mistake in claim 33 where "I" was used instead of "T" is of a clerical or typographical nature, or of minor character. This is made evident by the language preceding the amended letter "which specifically binds to cardiac specific troponin" which is a clear reference to the antibody used in an assay for determining the presence or amount of free and complexed cardiac specific troponin T, which antibody is identified throughout the claim as binding to cardiac specific troponin T, rather than cardiac specific troponin I ("an antibody which specifically binds to free cardiac specific troponin T"). Moreover, the section in which the error appears indicates that the cardiac specific isoform in question is "in a ternary complex comprising troponin I and troponin C," further confirming that the reference in question is to troponin T and not troponin I. Thus, Applicant respectfully

submits that the requested amendment does not constitute new matter nor require correction through reexamination.

Claim 46, which originally derives from prosecution claim 142, was introduced into the record by the Applicant in a response filed July 7, 2003. The nature of this error and the amendment to correct it is the same as for claim 33 discussed above.

The requested amendment of claim 46 is shown for the issued claim using strikeout for a deletion and underlining for an addition.

46. An assay for determining the presence or amount of free and complexed cardiac specific troponin T in a patient sample, said assay comprising:

performing an immunoassay with an antibody cocktail which specifically binds to free cardiac specific troponin T, and which specifically binds to cardiac specific troponin T in a complex comprising at least one other troponin component selected from the group consisting of troponin I and troponin C, and which specifically binds to ~~cardiac specific troponin I~~ cardiac specific troponin T in a ternary complex comprising troponin I and troponin C; and

detecting a signal from said immunoassay resulting from said antibody cocktail binding said free and complexed cardiac specific troponin T, wherein said signal is related to the presence or amount of said free and complexed cardiac specific troponin T in said sample.

The amendment of claim 46 also changes the letter "I" to "T" in the indicated text which refers to an isoform of troponin. The attached Certificate of Correction clearly identifies the requested amendment as involving Claim 46, Column 54, Line 51 (based on actual line count), and indicates to replace "cardiac specific troponin I" with --cardiac specific troponin T--.

In accordance with 35 U.S.C. §255, the mistake in claim 46 where "I" was used instead of "T" is of a clerical or typographical nature, or of minor character. This is made evident by the

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,939,678 B1
APPLICATION NO. : 09/349,194
DATED : 9/6/2005
INVENTOR(S) : Kenneth F. Buechler; Paul H. McPherson

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the claims:

Claim 33, column 51, line 44, replace "cardiac specific troponin I" with -- cardiac specific troponin T --.

Claim 46, column 54, line 51, replace "cardiac specific troponin I" with -- cardiac specific troponin T --.

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San Diego, California 92138-0278

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,

U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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SEP 22 2005

DUPLICATE

UNITED STATES PATENT AND TRADEMARK OFFICE
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Claim 46, column 54, line 51, replace "cardiac specific troponin I" with -- cardiac specific troponin T --.

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